IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 4027 of 2004

Between:
Sri M.D. Khaja Pasha S/o Shaik Mohammad, aged 44 years, Business, R/o 16-2-705/30, Andhra Colony Malakpet, Hyderabad

..... PETITIONER

AND

1 The Inspector of Proh & Excise (SHO) Ibrahimpatnam Circle, at Ibrahimpatnam, Ranga Reddy District
2 The Prohibition & Excise Superintendent, Ranga Reddy District at Narayanguda, Hyderabad
3 The Commissioner of Proh & Excise, Government of Andhra Pradesh, at Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus directing the respondents not to insist any excise arrears in respect of Arrack Shop of Ibrahimpatnam Village and Mandal, Ranga Reddy District, for the Excise year 1988-89, declaring the impugned notice dt nil, issued by the 1st respondent is illegal and void.

For the Petitioner: :MR.B.SAI RAM GOUD, ADVOCATE

For the Respondents : GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R :

Learned counsel for the petitioner submits that this case is squarely covered by an order of this Court in W.P.Nos.23416/1999 and batch, dated 25-06-2004 wherein it is held that unless the amounts due towards short lifting of the M.G.Q. is determined after giving due notice to the licensee, issuance of distant orders for the amounts due on the alleged short lifting of M.G.Q. under Section 52 of the A.P. Revenue Recovery Act, is not sustainable in law.

Following the same and the reasons explained therein, this Writ Petition is allowed and the impugned demand notice is set aside. No costs.

That, Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, tday the sixth day of July, Two Thousand and four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTIION OFFICER

To

1 The Inspector of Proh & Excise (SHO) Ibrahimpatnam Circle, at Ibrahimpatnam, Ranga Reddy District
2 The Superintendent, Prohibition & Excise, Ranga Reddy District at Narayanguda, Hyderabad
3 The Commissioner of Proh & Excise, Government of Andhra Pradesh, at Nampally, Hyderabad
4. 2CCs to G.P. for Prohibition and Excise.
5. 2CD copies

prv/ccm